



Order Filed on February 22, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**
Caption in Compliance with D.N.J. LBR 9004-2(c)

LAW OFFICES OF DAVID WOLFF LLC
Attorneys for Trustee
396 Route 34
Matawan, New Jersey 07747
(732) 566-1189
DW/3331

In Re:

**MARCELINO L. HERVIAS AND
BLANCA ISABEL HERVIAS,**

Debtors.

Case No.: 21-18530-KCF

Chapter 7 Proceeding

Judge: Hon. Kathryn C. Ferguson

**ORDER AUTHORIZING THE TRUSTEE TO SELL REAL PROPERTY
AND FOR RELATED RELIEF**

The relief set forth on the following pages numbered two (2) through five (5) is hereby
ORDERED.

DATED: February 22, 2022


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

Page 2

Debtor: Marcelino L. Hervias and Blanca Isabel Hervias

Case No. : 21-18530-KCF

**Caption of Order: ORDER AUTHORIZING THE TRUSTEE TO SELL REAL
PROPERTY AND FOR RELATED RELIEF**

Upon the Motion (the "Motion") of David Wolff, Chapter 7 Trustee ("Trustee") for entry of an Order, pursuant to Sections 105(a) and 363(b) (1) and (f), Title 11, United States Code, [11 U.S.C. §§101-1330](#) et. seq., as amended (the "Bankruptcy Code"), and Rule 6004(a) of the [Federal Rules of Bankruptcy Procedure](#) (the "Bankruptcy Rules") authorizing the sale of debtor Blanca Isabel Hervias' 100 % ownership interest in real property located at 73 Tennyson Street, Carteret, New Jersey, New Jersey 07008 ("Property") for the sum of \$400,000 to Robert Hickey ("Buyer"), as more fully described in a contract, addendum to contract and attorney review letter, copies of which are annexed as Exhibit "B" to the Application filed in support of the Motion, or to such other party who may submit a higher and better offer under the same terms of the contract ("Winning Contract"); and it appearing that notice of the Motion having been given by the movant to (i) the Office of the United States Trustee, (ii) counsel to Debtors, (iii) counsel to the Buyer, iv) counsel to secured creditor, and (v) the Debtors, and by the Clerk of the Court to all parties-in-interest and parties who have filed a Notice of Appearance in this case; and such notice being adequate under Bankruptcy Rules 6004(a) and 2002 (a) (2), (c) (1), (I) and (k); and a hearing having been held before this Court on February 22, 2022 to consider the Motion (the "Hearing"), at which time all parties were afforded an opportunity to be heard; and any higher and better offers having been considered; and after due deliberation and sufficient cause appearing therefor; it is hereby FOUND and DETERMINED that:

Page 3

Debtor: Marcelino L. Hervias and Blanca Isabel Hervias

Case No. : 21-18530-KCF

**Caption of Order: ORDER AUTHORIZING THE TRUSTEE TO SELL REAL
PROPERTY AND FOR RELATED RELIEF**

1. This Court has jurisdiction to hear and determine the Motion pursuant to 28 U.S.C. §§157 and 1134;
2. Venue of this case in this district is proper pursuant to 28 U.S.C. §§1408 and 1409(a);
3. Determination of the Motion is a core proceeding pursuant to 28 U.S.C. §§157(b)(2)(A),(N) and (C). The statutory predicates for the relief requested herein are Sections 105 and 363 of the Bankruptcy Code and Bankruptcy Rules 2002, 6004, and 9014;
4. Proper, timely, adequate, and sufficient notice of the Motion, the Hearing, and the sale has been provided in accordance with Section 102(1) of the Bankruptcy Code and Bankruptcy Rules 2002 and 6004;
5. A reasonable opportunity to object or be heard regarding the relief requested in the Motion has been afforded to all interested parties and entities;
6. The sale of the Property reflects the exercise of the Trustee's sound business judgment, and is further justified by the circumstances described in the Motion;
7. Approval of the sale of the Property at this time is in the best interest of the bankruptcy estate and its creditors. The Court finds that the Trustee has articulated good and sufficient business justification for the sale of the Property pursuant to Sections 363(b) and (f) of the Bankruptcy Code;

Page 4

Debtor: Marcelino L. Hervias and Blanca Isabel Hervias

Case No. : 21-18530-KCF

**Caption of Order: ORDER AUTHORIZING THE TRUSTEE TO SELL REAL
PROPERTY AND FOR RELATED RELIEF**

8. The terms and conditions of the Winning Contract are fair and reasonable. The Winning Contract represents the highest and best offer for the Property. The purchase price is fair and reasonable, and constitutes reasonably equivalent value under the Bankruptcy Code and applicable state law;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED, that:

1. The Motion (as fully described in the Application) be and is hereby granted in its entirety, and any objections to the Motion or the relief requested therein that have not been withdrawn, waived, or settled, and all reservations of rights included therein, are overruled and denied.

2. Due and proper notice of the Motion has been given to all parties who are entitled to notice under the circumstances.

3. The Winning Contract and each of its terms and conditions is approved in its entirety. The sale of the Property to Buyer for the sum of \$400,000 is hereby authorized under §§363 (b) and (f) (2) of the Bankruptcy Code. The Trustee is hereby authorized and directed at the closing to execute, deliver, and implement all instruments and documents which may be reasonably necessary, convenient, or desirable to implement the terms of the sale.

4. The sale of the Property pursuant to the Winning Contract and this Order is or will (a) be legal, valid, and an effective transfer of the Property to , and (b) at closing, vest Buyer with all

Page 5

Debtor: Marcelino L. Hervias and Blanca Isabel Hervias

Case No. : 21-18530-KCF

**Caption of Order: ORDER AUTHORIZING THE TRUSTEE TO SELL REAL
PROPERTY AND FOR RELATED RELIEF**

right, title, and interest in and to the Property, free and clear of all liens, claims, interests, and encumbrances under Section 363(f) of the Bankruptcy Code, with valid liens to attach to proceeds of sale.

5. The Trustee is authorized to issue, execute, deliver, file, and record, as appropriate, documents in connection with the sale of the Property, all without further application to, or order of, the Court.

6. The gross realtor commission of 5% of the purchase price may be paid at closing, consistent with the listing agreement and Contract of Sale, without the need for further application to, or order of, the Court.

7. All occupants of the Property shall be required to vacate the Property on or before March 11, 2022, leaving the Property in broom-swept condition.

8. All of the provisions of this Order are non-severable and mutually dependent.

9. This Order shall be effective and enforceable immediately upon entry hereof, and the stay imposed by Bankruptcy Rule 6004 (h) is waived.

10. The Court shall retain exclusive jurisdiction to interpret and enforce the provisions of the Winning Contract and this Order.

In re:
Marcelino L Hervias
Blanca Isabel Hervias
Debtors

Case No. 21-18530-KCF
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Feb 23, 2022

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 25, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ Marcelino L Hervias, Blanca Isabel Hervias, 73 Tennyson Street, Carteret, NJ 07008-1842

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 25, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 23, 2022 at the address(es) listed below:

Name	Email Address
David Gerardi	on behalf of U.S. Trustee U.S. Trustee david.gerardi@usdoj.gov
David Wolff	dwtrustee@verizon.net NJ50@ecfbis.com
David Wolff	on behalf of Trustee David Wolff dwtrustee@verizon.net NJ50@ecfbis.com
Denise E. Carlon	on behalf of Creditor Weichert Financial Services dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Karina Pia Lucid	on behalf of Debtor Marcelino L Hervias klucid@karinalucidlaw.com R43327@notify.bestcase.com;admin@karinalucidlaw.com
Karina Pia Lucid	

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Feb 23, 2022

Form ID: pdf903

Total Noticed: 1

on behalf of Joint Debtor Blanca Isabel Hervias klucid@karinalucidlaw.com
R43327@notify.bestcase.com;admin@karinalucidlaw.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7